

COMMONWEALTH OF MASSACHUSETTS

By His Excellency

EDWARD J. KING
Governor

EXECUTIVE ORDER NO. 216

polychlorinated
ACUSHNET RIVER ESTUARY COMMISSION

SECRETARY OF STATE
RULES AND REGULATION
DIVISION
MAY 5 10 45 AM '82

WHEREAS, samples taken by the Department of Environmental Quality Engineering, the Department of Public Health, the Division of Marine Fisheries, and the United States Environmental Protection Agency have documented the presence of polychlorinated biphenyls (PCBs) in the Acushnet River Estuary; and

WHEREAS, the Massachusetts Department of Public Health has closed twenty-eight square miles of the Acushnet River Estuary to the taking of lobsters after samples indicated PCB contamination in lobsters exceeding federal standards; and

WHEREAS, over one thousand samples have been collected and analyzed for PCBs to determine the extent of contamination in sediments, the atmosphere, finfish, lobster, shellfish, wastewater and the Acushnet River Estuary; and

WHEREAS, state and federal enforcement personnel are currently reviewing site cleanup proposals submitted by industries in New Bedford who formerly used PCBs in the manufacturing process; and

WHEREAS, an Ad Hoc Committee investigating PCB contamination in the Acushnet River Estuary under the direction of Representative Roger Goyette has collected data and samples evaluating the level and degree of PCB contamination in the New Bedford Harbor; and

WHEREAS, an Executive Office of Environmental Affairs inter-agency task force under the direction of the Department of Environmental Quality Engineering established in 1981 has coordinated ongoing activities including sediment and sewer sampling and analyses and enforcement actions; and

WHEREAS, the monies to design and prepare for a comprehensive cleanup of the Acushnet River Estuary were targetted by the Commonwealth for federal "superfund" monies; and

WHEREAS, PCB contaminants within the Acushnet River Estuary continue to have potential adverse environmental, public health and economic consequences; and

WHEREAS, remedial actions to be taken to address the cleanup of the Acushnet River Estuary are a priority of local, state and federal officials and the residents of New Bedford and surrounding communities,

NOW, THEREFORE, I, EDWARD J. KING, Governor of the Commonwealth, by virtue of the authority vested in me by the Constitution and the laws of the commonwealth do hereby order as follows:

1. There is hereby created a commission to be known as the Acushnet River Estuary Commission, whose members shall serve without compensation. The members of the Commission shall be appointed by and serve at the pleasure of the governor. The Governor shall designate, from time to time, one member to act as chairman.

2. The Commission shall contact local, state and federal agency personnel, representatives of the commercial fishing industry, representatives of local industry, biologists, engineers and other professionals to collect such sampling information, reports, public health data, economic analyses and other information and materials as the Commission deems necessary or appropriate to perform its functions.

3. The Commission shall engage in a collection of existing reviews and analyses regarding contamination in the Acushnet River Estuary, and shall:

- compile existing data and analyses on PCB levels in the New Bedford area and describe the extent of PCB contamination in the Acushnet River Estuary.
- prepare an agenda for the coordination of a cost effective program for reducing PCB contamination in the Acushnet River Estuary.
- develop a budget for the management of the PCB clean-up program in New Bedford.
- develop recommendations for the design and funding of a sediment removal and clean-up program for the Acushnet River Estuary.
- identify available funding sources for the eradication of this potential environmental, public health and economic problem, and the steps necessary to secure such funding.
- submit proposals for the allocation of appropriate resources by state, local and federal agencies.
- develop recommendations for standards to be adopted for the closing and reopening of areas within the Acushnet River Estuary and surrounding water bodies for commercial fishing, shellfish, harvesting and other marine related activities.
- identify the level of law enforcement personnel necessary to control access to areas within the Estuary and Buzzards Bay.
- summarize the enforcement actions taken by local, state and federal agencies.

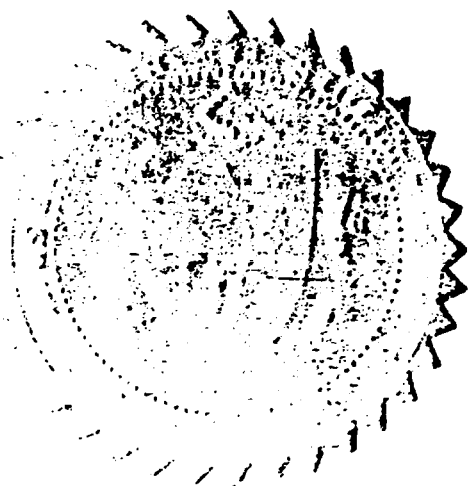
4. The Commission shall review the data and recommendations of the Ad Hoc Committee investigating the PBC contamination in the Acushnet River Estuary, and those of the Executive Office of Environmental Affairs inter-agency task force.

5. Agency personnel within the Executive Office of Environmental Affairs, the Department of Environmental Quality Engineering, Coastal Zone Management, the Department of Public Health, the Division of Marine Fisheries, and the Division of Law Enforcement shall remain available to provide information, staff support and other resources the Commission deems necessary to fulfill the purposes of this order.

6. The Commission shall submit such interim reports as it deems necessary and a final report to the Governor on or before August 15, 1982.

7. This order shall take effect immediately and shall continue in force until acceptance by the Governor of the final Commission report.

Given at the Executive Chamber in Boston
this *5th* day of *May*.
in the year of our Lord one thousand nine
hundred and eighty-two and of the
Independence of the United States of
America, two hundred and six.



Edward J. King
EDWARD J. KING
GOVERNOR
Commonwealth of Massachusetts

Michael Joseph Conolly

Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS